

FOR YOUR INFORMATION...



City of Taylorsville
Community Development Department
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Taylorsville, Utah 84118 (801) 963-5400



City of Taylorsville
Information Form

P-7

VARIANCE

Applying for a Zoning Variance

The Board of Adjustment is a committee of five Taylorsville City residents appointed by the Mayor with the advice and consent of the City Council. Utah State law requires all communities that have adopted zoning to adopt a board of adjustment to provide a process for relief of any injustice that may arise with the strict application of the zoning ordinance.

Under certain limited circumstances, the Taylorsville Board of Adjustment is authorized to “modify” the terms of the Taylorsville Zoning Ordinance by granting a zoning variance. A variance is a modification of the terms of a zoning ordinance in cases where the zoning ordinance imposes an undue hardship on a property owner. By Utah State law, the board of adjustment may only grant a variance under the following circumstances:

1. ***Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.***

The term “hardship” can not be interpreted as personal or economic hardship. The hardship must be created by the land and not by a personal problem of the property owner. The hardship also can not be self imposed or created by the current or past property owner.

2. ***There are special circumstances attached to the property that do not generally apply to other properties in the same district.***

There must be some physical feature of the property that is unique to the site such as shape, topography, etc. that is preventing strict adherence to the ordinance.

3. ***Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same district.***

There must be some characteristic of your property which is preventing you from enjoying a property right which others in your same neighborhood have.

4. ***The variance will not substantially affect the general plan and will not be contrary to the public interest.***

The proposed variance must be in compliance with the spirit of the Taylorsville City General Plan. For example, if an objective of Taylorsville City's general plan called for ample buffers between non compatible land uses such as commercial and residential uses, the board of adjustment could not grant a variance to waive a landscaped setback requirement between a commercial structure and a residential zone.

5. ***The spirit of the zoning ordinance is observed and substantial justice done.***

Although not meeting the letter of the ordinance, a variance request must still meet the intent of the ordinance.

6. ***The Board of Adjustment may not grant use variances.***

If a property is zoned for a certain use, for instance single family residential, the property owner could not be granted a variance for a commercial structure or a multifamily structure such as an apartment building.

(over)

Submittal Deadline:

All required submittals must be turned in to the Taylorsville Community Development Planning Department at least two weeks prior to the public hearing before the Board of Adjustment.

Meeting Dates and Times:

The Taylorsville Board of Adjustment meets on an as needed basis at 6:30 p.m. on the third Tuesday of each month in the Taylorsville Council Chambers. Please contact the Taylorsville Planning Department for specific meeting dates, times and assignments.

Application Fees:

Residential uses:	\$150.00
Commercial or industrial uses (all or part):	\$300.00

Items to be Submitted:

- ☐ Fee, application and property owner's affidavit
- ☐ Agent authorization (if applicable)
- ☐ A printout from the Salt Lake County recorders office (2001 South State Street room N2300) of all property owners within 400 feet of the subject property including property addresses, property identification numbers, property owner names and property owner mailing addresses.
- ☐ A stamped plain white envelope and a separate mailing label (no hand written labels please) for each property owner identified above. Envelopes should be size 10 (business size – 4" x 9½") and have no return addresses.
- ☐ Site plan (minimum size 8½" x 11") showing:
 - ☒ Accurate dimensions of subject property drawn to scale with north arrow.
 - ☒ Location of existing and proposed buildings, parking areas, landscape areas, sidewalk, curb and gutter, etc.
 - ☒ Location of existing property features such as streets, canals, hillsides, etc.
 - ☒ Indicate location of variance request.
- ☐ If a new building or exterior remodel, please submit all building elevations.
- ☐ Legal description.
- ☐ Proof of property ownership (i.e. a trust deed, warranty deed, quit claim deed, signed/notarized affidavit, etc.).

Step by Step Variance Process:

- ☐ Meet with Taylorsville City Planning staff to review the proposed variance request.
- ☐ Submit all required submittals.
- ☐ The Board of Adjustment will conduct a hearing at a scheduled meeting. The applicant, as well as the public, will have an opportunity to address the board.
- ☐ Upon review of the application, the Board of Adjustment may approve, deny, or, at the discretion of the board, approve the request with certain conditions or requirements.
- ☐ The Board of Adjustment will itemize, describe and justify any requirements that may be placed on the variance.
- ☐ A building permit may be obtained following the issuance of the variance. A building permit for any contested variance will not be issued for a minimum of 30 days.

Appeals of a Board of Adjustment Decision.

Anyone who is not satisfied with the decision of the Taylorsville City Board of Adjustment, including the applicant, an adjacent property owner, any effected resident, or even Taylorsville City, can appeal the decision to the District Court. To appeal the decision, you must file all pertinent documents within 30 days of the board of adjustment's final decision.